



**U.S. DEPARTMENT OF COMMERCE**  
National Oceanic and Atmospheric Administration  
National Marine Sanctuary System  
Stellwagen Bank National Marine Sanctuary  
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**19<sup>th</sup> SANCTUARY ADVISORY COUNCIL MEETING MINUTES**  
**The Radison Hotel, Rockland, MA      12 June 2006**

**MINUTES OF MEETING**

**PRESENT**

Bill Adler	Member: Fixed Gear Commercial Fishing
Regina Asmutis-Silvia	(Alternate to Susan Farady—Conservation)
Edward Barrett	Member: Mobile Gear Commercial Fishing
Peter Borrelli	Member: Education
Dale Brown	(Alternate to Sally Yozell—At-Large)
Kathleen Dolan	(Ex-Officio Member)
Susan Farady	Member: Conservation
Barry Gibson	Member: Recreation
Kate Killerlain-Morrison	(Designee for Susan Snow-Cotter) (Ex-Officio Member)
Steve Milliken	Member: Whale Watching
Timothy Moll	Member: Business and Industry
Judy Peterson	(Alternate to Pater Auster—Research)
David Pierce	(Designee for Paul Diodati) (Ex-Officio Member)
Chip Reilly	(Alternate to Steve Milliken—Whale Watching)
Kathi Rodrigues	(Designee for Patricia Kurkul) (Ex-Officio Member)
Michael Sosik	(Alternate to Barry Gibson—Recreation)
Steven Tucker	(Alternate to Deborah Cramer—At-Large)
Mason Weinrich	Member: Research
Dick Wheeler	Member: Education
John Williamson	Member: At-Large
Sally Yozell	Member: At-Large

**SBNMS and NATIONAL PROGRAM STAFF**

Michael Weiss	Ed Lindelof	Craig MacDonald
Ben Cowie-Haskell	Nathalie Ward	Anne Smrcina
David Wiley	Leila Hatch	Deborah Marx
Matthew Lawrence	Michael Thompon	

**OTHERS PRESENT**

Theresa Barbo	Gabe Jacobucci	Timothy Feehan
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## **I. Welcome, Review of Agenda and Approval of 18<sup>th</sup> SAC Minutes (John Williamson)**

### Welcome and Recognition

John Williamson opened the meeting and welcomed all members to the 19<sup>th</sup> Stellwagen Bank National Marine Sanctuary (SBNMS) Sanctuary Advisory Council (SAC) meeting. All in attendance were advised that this meeting was being recorded.

### Review of Agenda

The agenda was reviewed and accepted by the SAC.

### Approval of 18<sup>th</sup> SAC Minutes

The minutes of the 18<sup>th</sup> SAC Meeting were accepted by the SAC pending the following change:

- Include William Adler in the list of attendees present at the meeting.

## **II. SAC Business**

### Welcome to New SAC Members (Craig MacDonald)

Craig Macdonald welcomed new SAC members.

- Timothy Moll, SAC Member for Business and Industry, Vice-President of Brewer Plymouth Marine
- David Jenson, SAC Alternate for Business and Industry, Marine Bay Boston Harbor
- Jack Crowley, SAC Alternate for Education (1), Executive Director of Massachusetts Marine Educators

### Volunteer of the Year Award (Craig MacDonald)

Craig MacDonald announced the SBNMS Volunteer of the Year. This year's Volunteer of the Year goes to Susan Farady. Her hard work for the sanctuary is greatly appreciated. Craig MacDonald, on behalf of the SAC, bid her congratulations. Susan will attend the Oceans Week Conference in Washington, DC.

**Comment:** John Williamson commended Susan's enormous contribution and expertise in dealing with the SBNMS and the SAC.

### SAC Meeting Dates (Nathalie Ward)

Nathalie Ward announced that the next SAC meeting was October 11, 2006. The venue will be announced.

### AUK: SBNMS Research Vessel (Ben Cowie-Haskell)

Ben Cowie-Haskell provided an update on the new SBNMS Research Vessel (R/V) *Auk*. The R/V *Auk* is currently being readied for shipment to Florida from the shipyard on the west coast. Delivery is scheduled on July 3, 2006. The vessel is a catamaran-type hull that is 48-feet long with a two-ft long dive platform. Crew and passenger capacity is 16; the vessel is to be primarily a day-boat. However, there is bunk space to allow for trips of three-day duration. The foil-assisted catamaran hull provides a wide, sturdy workspace and a good A-frame for ROV deployment. It is an efficient vessel capable of attaining speeds of 22-25 knots. Dedication of the R/V *Auk* is August 22, 2006. Just Moller will be in charge of fleet operations. Bob Wallace will serve as Captain for the *Auk*.

**Question 1:** Mason Weinrich asked if the SBNMS has plans of purchasing an ROV?

**Answer:** Ben Cowie-Haskell answered that the SBNMS has the SEABOSS, but it is not the best ROV to use for wrecks considering its small size. The SBNMS will continue to rely on the University of Connecticut for ROV work. SBNMS will also be working with other partners such as Woods Hole.

**Question 2:** John Williamson asked if there was any policy in place for public participation on cruises?

**Answer:** Ben Cowie-Haskell answered that if a person had a specific role to play during a research cruise, it would be possible to accommodate them. Just Moller should be contacted for these situations.

**Question 1:** Steven Tucker asked if bio-diesel would be used for the *Auk*?

**Answer:** Ben Cowie-Haskell answered that bio-diesel would be phased in over time. Currently, under warranty, five percent bio-diesel could be used. After the warranty on the engines expire, a higher percentage can be used.

**Question 1:** Dale Brown asked, considering the Channel Islands have been using a vessel of similar design, what is the track record of this vessel type?

**Answer:** Ben Cowie-Haskell answered that the track record has been very good. The vessel in question is out to sea over 200 days per year and is well-used.

#### Zoning Working Group (Ben Cowie-Haskell)

The Zoning (Z) Working Group (WG) has been working on a definition of ‘ecological integrity’. The Sub-Group has met two times and has developed a definition. The Z WG is now working on metrics. The next meeting of the Z WG is August 24, 2006 at the SBNMS offices in Scituate MA to correspond with the R/V *Auk* dedication.

#### LNG Proposal (Craig MacDonald)

In late 2004, the SBNMS was notified that two companies, Northeast Gateway Energy Bridge, LLC (also known as Excelerate Energy LLC) and Neptune LLC (also known as Suez), would be applying for Deepwater Port Licenses to install Liquid Natural Gas import terminals and associated pipeline adjacent to the Sanctuary’s western border.

The license applications for these two companies were submitted in February and June of 2005. In the development of these applications and in the months following their submission, both proponents requested and the SBNMS provided information regarding the distribution of whales within and surrounding the Sanctuary, as well as information regarding the SBNMS and NOAA Fisheries’ proposal to shift the Traffic Separation Scheme (TSS) in and out of Boston.

The SBNMS also provided comments, as part of the NOAA’s comprehensive comment package, to the proponents on the content of the license applications. In these comments, we noted that the scope of the proposed projects would necessitate formal consultation under the National Marine Sanctuaries Act. In addition, we received requests from both proponents to initiate informal consultations in December of 2005 and January of 2006.

In April of 2006, David Wiley met informally with the US Coast Guard (USCG) in Washington DC, at their request, to discuss possible techniques that could be implemented to mitigate possible impacts of LNG terminal construction and operation on marine mammals. This informal discussion led to further development of mitigation proposals that would utilize acoustic technologies to monitor whales and vessels and characterize noise. Drafts were distributed to NOAA Fisheries’ Northeast Regional Office and the Northeast Fisheries Science Center, and their input was integrated prior to submission to the USCG for their use.

With the release of the Draft Environmental Impact Statements for the Northeast Gateway Project and Neptune on May 19th and June 2nd of this year, respectively, the SBNMS initiated formal consultation with the USCG and the proponents under Section 304(d) of the National Marine Sanctuaries Act. Under the NMSA, the National Marine Sanctuary Program (NMSP)/SBNMS has 45 days from each initiation to submit consultation recommendations. In addition, under the National Environmental Protection Act the NMSP/SBNMS must submit their comments on the DEISs in time for their submission, with additional NOAA comments, within 45 days the DEISs' accessibility. (The above summary was handed out to the SAC at meeting).

**Question 1:** Mason Weinrich asked that considering the U.S. Coast Guard Port Access Route Study on right whales, is there a significant reduction to whale protection between the proposed TSS's?

**Answer:** Leila Hatch answered that the angle and width of the TSS would differ and there would be a slight reduction in area. However, the percent difference is only a minimal difference.

**Comment:** Mason Weinrich commented that the LNG proposals represented risks to sanctuary resources, particularly right whales. In addition, the sanctuary is only given 45 days to review tremendously large documents. He noted that is worth the effort for the SAC to comment that these proposals should be stopped.

**Question 2:** Regina Asmutis-Silvia questioned why, with the NOAA Fisheries paper issued to the International Whaling Commission (IWC), there only was one TSS option listed?

**Answer:** Leila Hatch answered that it is due to the hierarchy within the process of providing options from the SBNMS to NOAA that would eventually go to the IWC.

**Comment:** David Pierce commented that with the DEIS, discussion should take place concerning the entrainment of fish eggs and larvae. The Commonwealth of Massachusetts has set aside a cod spawning area adjacent to the proposed LNG areas. Operations of the LNG areas, using open loop systems, would use in the order of nine million gallons per day for system use and 13.75 million gallons per trip for ballast water. The operations will have an effect on the entrainment of fish eggs and larvae. It should be noted that there is not much covered in the LNG proposals that deals with the entrainment issue.

William Adler moved to recommend the SBNMS, in consultation with the MA Division of Marine Fisheries, review the DEIS for the LNG projects to determine the effect of entrainment on sanctuary resources. (***MOTION***) This motion was seconded by Dale Brown.

- ***MOTION to request that sanctuary staff, in consultation with the MA Division of Marine Fisheries, review the DEIS form the Northeast Gateway and Neptune projects to determine the extent to which the (aforementioned) projects have evaluated the effects of entrainment on sanctuary resources.***

**Discussion:** The motion was discussed by David Pierce, John Williamson, William Adler, Peter Borrelli, Mason Weinrich, Regina Asmutis-Silvia, Leila Hatch, Ben Cowie-Haskell, Craig MacDonald and Michael Weiss.

It was stated by some members that reports have been conducted for LNG facilities in the Gulf of Mexico, and that negative impacts were evidenced on marine resources in the waters near Alabama and Mississippi. For the Gulf of Mexico, the area is relatively small, but for an area as small as Massachusetts Bay, the effects could be significant. It was suggested by these members that the SBNMS look into the effects of entrainment.

The western boundary of the sanctuary was originally supposed to go to the edge of Massachusetts state waters, but was not chosen due to the existence of the Massachusetts Bay Disposal Site (MBDS). It was cautioned by some members that the sanctuary weigh in on the possible effects the LNG sites could have on the integrity of the sanctuary. It is important that actions that are carried out are not determined solely by the boundaries of the sanctuary.

Members of the SAC were uncertain if the SAC had the authority to directly comment in the LNG process. It was explained by Michael Weiss, NMSP Deputy Director, that the SAC was authorized to provide recommendations to the sanctuary and to NOAA. The SAC must present its recommendations to the sanctuary so the Craig MacDonald can present it to NOAA, but the SAC was not able to comment directly to the USCG.

It was cautioned by SBNMS staff that continued work with NOAA Fisheries staff and other research groups with the expertise should be consulted with this type of evaluation. Some SAC members mentioned that the motion would be an effort to call attention to the issue and that the sanctuary should use all expertise available to it. The sanctuary should also consider how cumulative effects on sanctuary resources.

The motion was accepted by the SAC with the following voting results (See Appendix A for voting record):

- Yea: 13
- Nay: 0
- Abstain: 0

#### SBNMS Website (Craig MacDonald)

Craig MacDonald provided an update on the new SBNMS website. Anne Smrcina has devoted a great deal of time and effort in getting the website up and running. The site consists of roughly 600 pages that all needed to be reviewed by headquarters. Updates can be made, but all changes must be reviewed by headquarters.

Also for outreach and education purposes, a new sanctuary exhibit has been opened at the Gloucester Maritime Heritage Center. The exhibit consists of 400 ft<sup>2</sup> of informative and interactive displays. At some point, the intent is to update the Provincetown exhibit as well.

#### Emergency Regulations (Craig MacDonald)

Craig MacDonald introduced Michael Weiss who provided information on the process of initiating Emergency Regulations within the sanctuary to deal with speed restrictions that could reduce the potential of ship strikes with (right) whales. The SBNMS has the authority to issue temporary rules to prevent risk or harm to sanctuary resources. The risk or harm must be proved to enact these measures. With the Administrative Procedures Act (APA), a notification of regulations may delay a start date unless certain requirements are met. The sanctuary must identify imminent risk and deal with the APA. This is done on a case-by-case basis.

Speed and marine mammal interactions are not new issues. The sanctuary must determine what makes this an emergency now and determine if this supports an imminent risk. Other considerations that may complicate the process is the NOAA Ship Strike Policy which has been processed. Last year, an emergency action from NOAA was denied. A ship strike policy is in place and the Agency has already been on record regarding this issue. The NMSP is pursuing the issue.

**Question 1:** Regina Asmutis-Silvia asked if the pending lawsuit currently with NOAA could affect this process?

**Answer:** Michael Weiss answered that NOAA has been sued; this could be a complicating factor.

#### Management Plan Update (Craig MacDonald)

Craig MacDonald introduced Ed Lindelof, who directs the Management Plan Review (MPR) at headquarters. The plan is currently set to be issued in three pieces: Sanctuary Setting, Action Plans and Environmental Assessment. SBNMS is scheduled to submit the Plan to headquarters this summer for NMSP internal review. The draft under review cannot be released to the SAC as it is an embargoed process. Upon release to the public, there will be a 60-90 day review followed by nine scoping meetings.

Action Plans have been compressed to reduce duplication between plans and make the document readable. After the document has been endorsed by headquarters, it must be sent to NOS and NOAA. This process will determine what the final document actually looks like. MacDonald stressed that the Plan had high level involvement from NOAA throughout this process at a local level, so changes could be minimal. This has been a long process that has completely rebuilt the MPR process. Subsequent MPR's should be easier.

Michael Weiss added that there is some tension in the "public process" between the public and NOAA. NOAA needs to look at the legal issues and national policy. However, this has been a long, bottom-up process and a great deal of weight will be given to the SAC's recommendations. The process should be smooth.

**Question 1:** John Williamson asked if the SBNMS has a dedicated staff member that is specifically dealing with outside communication concerning the MPR process? Dedicated staff would reduce surprises to the general public. Proactive communication is best.

**Answer:** Craig MacDonald answered that the SBNMS currently is receiving help from headquarters and Ben Cowie-Haskell is currently serving as the contact person.

**Comment:** John Williamson stated that at the annual SAC Chairmen's Meeting, it was announced that the Channel Islands DMP was approved after going through a five-year process.

#### Recruitment (Craig MacDonald)

Craig MacDonald announced that there were three items that needed to be addressed in terms of SAC recruitment issues.

First: the terms for the two-year seats are up. He proposed that these seats roll-over through one more year. He emphasized that the current SAC are an excellent mix, and at this critical stage, change may not be good for the MPR. Headquarters supports this move. In June 2007, the SAC can hold a meeting to recruit for seats and incumbents can re-apply.

Judi Pederson moved to recommend that the two-year SAC seats be extended for one more year (June 2007). (**MOTION**) This motion was seconded by Susan Farady.

- ***MOTION that terms for SAC Members with 2-year terms (6-04 to 6-06) will be extended for another year (until June 2007).***

The motion was accepted by the SAC with the following voting results (See Appendix A for voting record):

- Yea: 12
- Nay: 0
- Abstain: 1

Second: John Williamson announced that as of the first week of July, he will be working for the Ocean Conservancy and therefore cannot serve as the SAC Chair. As of the end of today's meeting, John Williamson's resignation will be official. John Williamson expressed his enjoyment with serving as SAC Chair and experienced some regret for having to step down. Craig MacDonald stated that the Ocean Conservancy would not allow John Williamson to continue as Chair; additionally, it is a standard practice to not have two representatives from the same organization, especially since the Vice-Chair, Susan Farady, is occupied by an Ocean Conservancy staff member. Many SAC members expressed appreciation for John Williamson's service as Chair; they stated that his guidance reinforced the SAC MP progress. Craig MacDonald announced that Farady serves as the interim SAC Chair; since her two-year term is up, she would serve until October elections.

Sally Yozell moved that elections for the entire SAC Executive Committee be held in October, 2006. **(MOTION)** This motion was seconded by Steve Milliken.

- ***MOTION that the election for the full SAC Executive Committee will be held in October 2006.***

**Discussion:** The motion was discussed by Mason Weinrich, Steve Milliken, Peter Borrelli, Sally Yozell, David Pierce, and Craig MacDonald.

Some members were concerned that three Executive Committee members were needed. Other members noted that considering the MPR process will have a draft into headquarters, a two-member Executive Committee would be fine until October. It was stated that there was plenty of time to hold elections in October. This would provide time for nominations to be made in preparation for elections. Elections could be held for the entire Executive Committee at that time.

The motion was accepted by the SAC with the following voting results (See Appendix A for voting record):

- Yea: 12
- Nay: 0
- Abstain: 1

THIRD: Currently, Williamson serves as the Chair of the Z WG. MacDonald inquired whether it was possible for Williamson to remain as Chair of the Z WG, if he was no longer a SAC member. If possible, this would allow for consistency to carry on the Z WG's efforts. It was unclear if headquarters would allow such a move.

Judi Pederson moved to recommend that, pending approval from NOAA, John Williamson continue to chair the Z WG. **(MOTION)** This motion was seconded by Barry Gibson.

- ***MOTION to recommend that, if allowable by NOAA review of operational procedures and if John Williamson is willing to serve in role of Chair of Zoning Working Group (Z-WG), John Williamson will continue as Chair; if he does not serve, the Chair will be chosen by the Superintendent.***

**Discussion:** The motion was discussed by Mason Weinrich, Judy Peterson, Ed Barrett, Susan Farady, Dale Brown and Craig MacDonald.

SAC members were in agreement that the continuity of the Z WG efforts be maintained. Allowing John Williams to continue as chair would provide stability and keep the process moving forward. The real issue, however, was public perception of the process. The

implications of such a move are unknown. Williamson confirmed that he was available to serve as Z WG Chair if the SAC accepted this motion.

The motion was accepted by the SAC with the following voting results (See Appendix A for voting record):

- Yea: 10
- Nay: 1
- Abstain: 2

### **III. Presentations**

#### National Marine Sanctuary Act (NMSA): Overview (Michael Weiss)

Michael Weiss provided the SAC with an overview of the NMSA. He noted that the management plan process is a public process involving all constituents, so they can be heard. The SBNMS process is doing this very well. The Management Plan Review (MPR) is inherently a long process; adding Designation Document changes or an Environmental Impact Statement (EIS) can add on one-two years to the process. Headquarters is in the process of re-working the system. It has taken time for the MPR, but subsequent plans should be quicker and easier to put together.

#### *NMSA Overview*

The NMSA is the foundation for all guiding documents of the NMSP, including strategic plans, management plans, etc. It is the founding and guiding legislation of the NMSP and serves as the source of the NMSP authority and tools. The NMSA was originally enacted as Title III of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972. In 1999, reauthorization separated Title III and renamed it the National Marine Sanctuaries Act. It has subsequently been reauthorized in 1975, 1976, 1977, 1980, 1984, 1988, 1990, 1992, 1996 and 2000. Reauthorization was due in 2005. Major legislative changes that increased the tools and authorities of the NMSP occurred in 1984, 1988, 1992 and 1996. The following is a brief description of each section in the NMSA:

- Section 301—Outlines the nine purposes and policies of the NMSP; (1) designate and manage sanctuaries, (2) provide comprehensive management and complement existing authorities, (3) maintain natural biological communities; protect and enhance natural habitats, (4) enhance public awareness, (5) support scientific research of sanctuary resources, (6) facilitate uses compatible with primary purpose of resource protection, (7) provide coordinated management, (8) Apply innovative management techniques, and (9) cooperate globally. This section also establishes the system of sanctuaries.
- Section 302—Provides definitions for sanctuary resources.
- Section 303—Establishes the standards that must be met for sites to be considered for designation and factors to be considered in meeting those standards. Requires consultations with Congress, federal agencies, state and local agencies, fishery management councils and interested parties.
- Section 304—Provides required steps and documents to designate a sanctuary. This section also defines the ‘terms of designation’. Outlines regulating fishing in cooperation with fishery management councils. Requires federal agencies to consult with NMSP on some actions, MPR every five years, and findings be made before proposing new sanctuaries.
- Section 305—Requires that the MNSA be applied generally according to principles of international law and cooperation with other government’s and international organizations in furtherance of NMSA.
- Section 306—States that it unlawful to destroy, cause the loss of, or injure any sanctuary resource managed under law or regulation for that sanctuary. Makes it unlawful to interfere with enforcement.

- Section 307—Grants powers to authorize officers and provides for civil penalties. It also provides for other enforcement authorities.
- Section 308—Provides general authority to issue regulations.
- Section 309—Requires NMSP to conduct, support, or coordinate research, monitoring, evaluation, and education programs.
- Section 310—Provides authority to issue special use permits under certain conditions and the authority to collect fees for the issuance of these permits, including the fair market value of the use of sanctuary resources.
- Section 311—Provides authority to: (1) enter into agreements, (2) solicit donations, (3) accept donations, (4) acquire land, facilities and property, and (5) apply for and receive grants.
- Section 312—Provides authority to seek recovery of response costs and damages for injury, destruction or loss of sanctuary resources, the principle purpose of which is to ensure restoration of injured sanctuary resources where possible.
- Section 313—Authorizes appropriation of funds for the NMSP.
- Section 314—Directs NMSP to maintain suitable display of artifacts at an appropriate site in NC for the display of USS Monitor artifacts and materials.
- Section 315—Provides authority to establish and operate advisory councils, authorizes NMSP support for those councils and requires meetings of those councils to be open to the public.
- Section 316—Authorizes NMSP to develop and market a NMSP logo and retain funds raised by the logo within the NMSP.
- Section 317—Renames Title III of MPRSA as NMSA.
- Section 318—Establishes a scholarship program and supports graduate studies in oceanography, marine biology or maritime archeology. Also encourages participation by women and minority groups.

#### *Questions & Answers*

**Question 1:** Bill Adler asked that concerning the mandated consultation in Section 304, does this apply to the current LNG situation?

**Answer:** Weiss answered that yes it did.

**Question 2:** Sally Yozell asked that concerning the current \$36 million level funding budget, what can be done to bring funding back up?

**Answer:** Weiss answered that the level funding was a good idea, but we will need to see what happens in 2007. It comes down to education of the public to drive Congress to increase the budget.

**Question 3:** Peter Borrelli stated that the current message in New England is that the NMSP does not have an ‘ocean vision’? He then asked why does the NMSP not project a broader vision for broad-scale management?

**Answer:** Weiss answered that the NMSP is currently working on this issue. \$36 million was only adequate. It can’t get done alone. The NMSP is building the message and bringing the pieces together and increasing partners’ involvement.

**Question 4:** John Williamson asked that, considering that there are many man-made activities outside of the sanctuary, is the only mechanism for addressing these activities through comment to other agencies?

**Answer:** Weiss answered that the SAC must use comments and make recommendations.

**Question 5:** Ben Cowie-Haskell asked, can a Section 312 action be taken on another agency?

**Answer:** Weiss answered that technically, yes it can but there are a few defenses to it. Also, the federal government tends not to sue itself.

**Comment:** Leila Hatch commented that the State of MA has the reputation of being inconsistent on ocean activism.

**Comment:** Peter Borrelli stated that in Nantucket Sound, the State had proposed all waters, both state and federal, to be a sanctuary. The interpretation was inconsistent with federal involvement coming in at the end of the process. In dealing with LNG, we need to make a plan, but are limited on time.

**Comment:** Dale Brown commented that MA and CA are very different states with different management styles. CA has more experience with oil and natural gas development. We need more involvement in the process by stakeholders.

**Comment:** Susan Farady commented that the long process for the MPR (eight years rather than five) has made it difficult for members to keep constituents at the table.

**Question 6:** Sally Yozell asked what happened to the idea of having a sanctuary-monitoring program that would link all the sanctuaries?

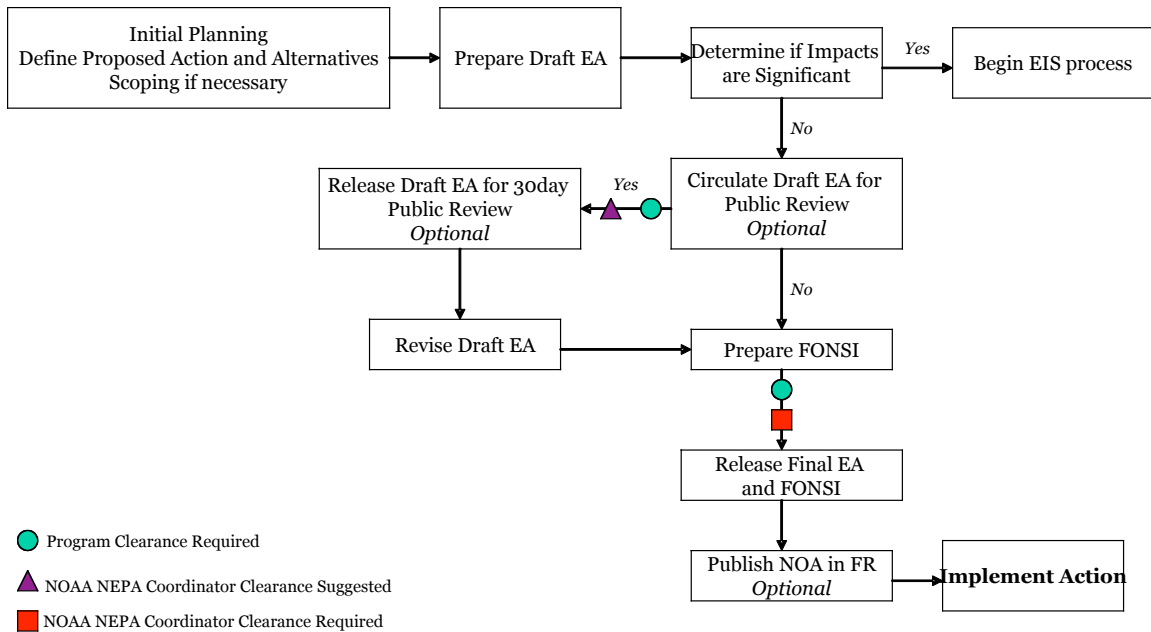
**Answer:** Michael Weiss answered that the idea is still there. The NMSP is working on it on the west coast where the sanctuaries are close together. It is an ongoing effort, but budget constraints limit progress.

#### National Environmental Policy Act (NEPA): Overview (Michael Weiss)

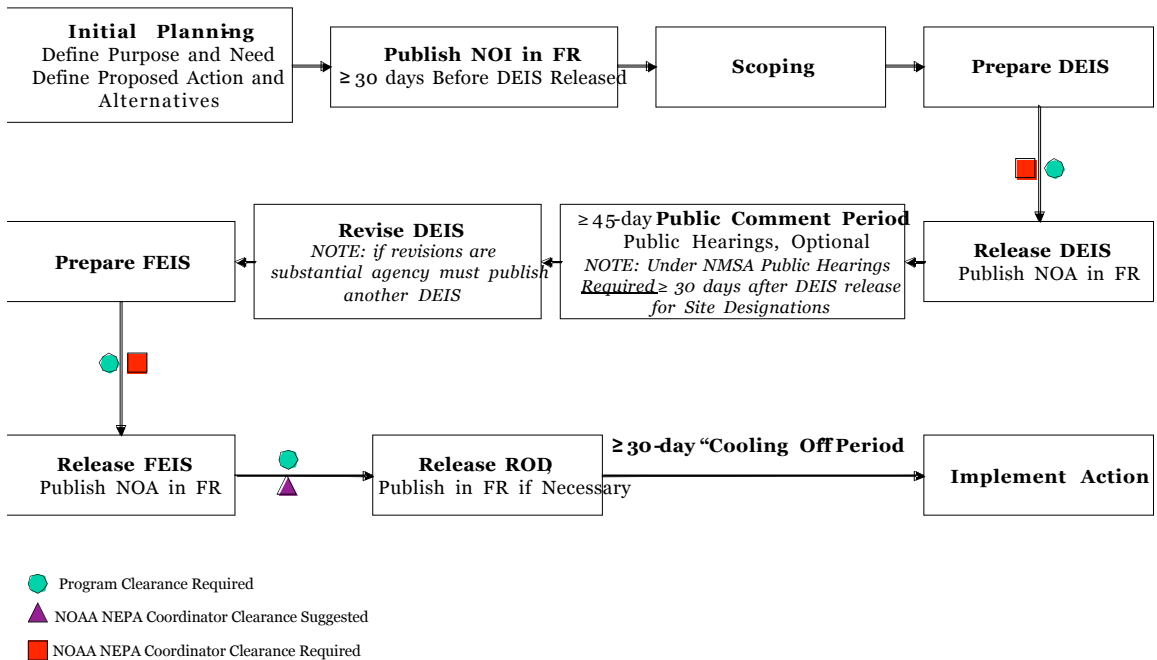
Michael Weiss described the NEPA process. NEPA is a hierarchical process with NEPA legislation at the top, CEQ Regulations in between and Agency Implementing procedures at the bottom. NEPA analyses consist of three types: (1) categorical exclusions (CE), (2) environmental assessments (EA) and (3) environmental impact statements (EIS). The significance of the action in question determines which type of analysis to prepare.

A CE is from a category of actions that NOAA has determined do not individually or cumulatively have a significant effect on the human environment. These are the least complicated and involve various types of NEPA documentation. The basic document needed is a memo to the record. The NEPA Coordinator needs copies of CE no later than 3 months after an action has occurred. Examples of a CE include: administrative actions, educational programs, marine debris removal, research and monitoring, emergency response and restoration, and some management plan amendments.

An EA is more involved and include such actions as: management plans and some amendments, rulemaking, restoration plans, research projects that don't meet a CE, and smaller facility projects. These actions will require an EIS if impacts may be significant. The EA process is described by the following flowchart.



An EIS (without first preparing an EA) can be required for any action that may significantly affect the environment, or any changes to a sanctuary terms of designation. The EIS process is described by the following flowchart.



### Working Lunch — Aerial Images of SBNMS (Tim Voorheis)

Tim Voorheis presented aerial photographs that he has taken during his years spent as a tuna fishing spotter plane pilot. The images featured whales, dolphins, fish and sharks.

Voorheis has also been extensively involved in a tagging study for basking sharks. The photographs presented can be viewed from the following website:

[www.gulfofmaine productions.com](http://www.gulfofmaine productions.com)

#### IV. NMSP Budget (Craig MacDonald)

##### NMSP Budget

The Executive Committee requested the budget for the SBNMS and for the NMSP. The SBNMS budget shows numbers from last year, this year and what is projected for next year. The NMSP budget will be described vertically, comparing how the SBNMS compares with funding for other sites.

In 2005, the SBNMS received \$1.78 million. For 2006, there was a 16% decrease in funding for the SBNMS as a whole, but with extra funding for the R/V *Auk*, the total comes to \$1.55 million. It is projected that there will be an additional 10% cut for 2007. There has also been a change in fuel policy for NOAA, and the SBNMS will not be able to draw out of NOAA funding for fuel. The policy will be based on historical record for vessels. Unfortunately, the SBNMS has no historical record for the R/V *Auk*. The cut will affect programs here at the SBNMS. Those programs that must be zeroed out include: Whale Naming Program, SBNMS Fish Count, Water Quality Analysis (although this could go to every other year), Ocean Observing System, Underwater Baleen Whale Tagging, and monies for updates or upgrades to outreach displays in Gloucester and Provincetown. Although, this situation sounds grim, the SBNMS will use the lull to catch up on many other remaining programs.

PAC money was also affected. Facilities funding was requested to upgrade the Provincetown exhibit and to renovate the boathouse. This will not occur. However, the SBNMS is an almost fully renovated site with a new research vessel. The operations on the R/V *Auk* will be conducted as a money making operation for the SBNMS. The focus is to get the MPR completed and get the LNG proposals dealt with. The SBNMS will look to partner with universities and other organizations.

The SBNMS is 4<sup>th</sup> overall in top funding across all sites. We are dealing with the system. The NMSP is trying to coordinate and needs staff in headquarters. The NMSP wants to pull the sanctuary system together and this will take funding. The system has level funding and now has to deal with fuel costs, overhead and core officers. Headquarters is trying to set the priorities of the program and there is simply not much left to go around, but enough to keep the program progressing. The SBNMS should not lose any staff and will be able to keep functioning.

##### Questions & Answers

**Question 1:** Peter Borrelli asked that from 2005-2006, is the R/V *Auk* included as a capital item or in the operational budget? Also, what level of funding is needed in the program plan for the R/V *Auk*?

**Answer:** MacDonald answered that it is covered in the base program and including capital funding. The plan is to cover at-sea operation for 120 days. The vessel will be made available to proposals to cover additional operating costs. \$44,000 is currently slated for program support. SBNMS is also cutting out \$400,000 from other projects. In total, with NMSP support, the R/V *Auk* will be supported at \$200,000.

**Question 2:** Mason Weinrich asked if it was too late to try and get changes to the budget?

**Answer:** MacDonald answered that not much can be done. The House and Senate are making up the bills. The SBNMS really has no Congressional champion. Other sanctuaries have champions in place, particularly CA. The SBNMS has lots of work still to do, has foundation funding, and a Charter for a Friends Group, but can't create a volunteer organization until funds can support it. The SBNMS has to start acting business-like and cross-brand. Information on the sanctuary can be added to existing business brochures, like whale watching, for little cost.

#### V. Annual SAC Chair and Coordinator's Report (John Williamson)

### SAC Chair Coordinator's Meeting

John Williamson attended the April 2006 National SAC Chair and Coordinator's meeting in Washington DC. The meeting lasted for two days. During that time, there was a great deal of discussion as to where the program was going. On topic was the lack of support from the current Administration, leading to the hard budget situation now. The NMSP is focused on keeping funding high enough to keep the program 'leaning forward' and preparing for eventual growth. The budget situation will not last forever.

Another important topic was fisheries inside sanctuaries. NOAA intends to clarify NMSA and improve the relationships between the NMSP and NOAA Fisheries and the Fishery Management Councils. NOAA would like to make the process more transparent.

Also of importance was the idea of oil and gas exploration and mineral extraction. Are companies allowed to lease area, thereby leading to drilling? All sanctuaries should make a policy statement and a request was made for all sanctuaries to create such a statement.

There was also a panel discussion on the effects of noise pollution in sanctuaries. It was interesting to find out that ground-breaking work on the issue of noise pollution is being carried out in the SBNMS.

## **VI. NMSP Issues**

### Acoustics and SBNMS Research (Leila Hatch and Dave Wiley)

The U. S. National Marine Sanctuary Act directs designated sanctuaries to protect sanctuary resources while allowing compatible human uses, and to conduct, support, or coordinate research, monitoring, evaluation, and education programs. To meet these mandates, the NMSP has identified site characterizations as a priority activity. Site characterizations provide an account of a sanctuary's biodiversity, habitats, resources, ecological processes, anthropogenic impacts and, when combined with monitoring programs, provide the means for objective and informed management decisions. The SBNMS is host to many protected species and is subjected to high levels of sound-producing anthropogenic activity. Site characterization of the SBNMS, therefore, necessitates comprehensive acoustic monitoring and the development of integrative analytical approaches to determine the relative inputs of sound sources within the sanctuary and their possible effects on the behavior of federally-protected species. Hatch played some common sources of sound in the SBNMS and introducing how sounds are characterized. She discussed why sounds behave differently in air than they do in water and summarized current scientific knowledge regarding how people and animals use underwater sounds.

The behavior of sound in water and the importance of sound to marine animals was provided as background information for the second part of the presentation, which introduced a collaborative passive acoustic monitoring project that is currently underway within the SBNMS. The research design, which employs ten automated recording units (ARUs) developed by Cornell University's Bioacoustics Research Program, was deployed to monitor the acoustic sound field within the boundaries of SBNMS continuously between January, 2006 and January, 2007. Collaborative analyses will be conducted of the year-long acoustic dataset by scientists, managers and policy experts from the NOAA's Northeast Fisheries Science Center and Northeast Regional Office, Woods Hole Oceanographic Institution, Cornell University and the University of Massachusetts,

Boston will address multiple questions regarding the locations and behaviors of vocalizing whales, estimate the potential for hearing loss and masking to various species, and identify the sound contribution from large commercial vessels and specific vessel classes. In conclusion, the presentation highlighted the ways in which these acoustic monitoring data will be used to inform

additional ongoing and preliminary research at the sanctuary, including efforts to accurately estimate reductions in whale ship strikes due to re-routing of shipping lanes, integration of ARU data with vessel data from the USCG's Automatic Identification System, and efforts to characterize received levels and behavior relative to boats for whales tagged in the sanctuary.

#### *Questions & Answers*

**Question 1:** Peter Borrelli asked why this program was not being funded by the Office of Naval Research (ONR)?

**Answer:** Wiley answered that the SBNMS has asked the ONR, but there has been no response.

**Question 2:** Regina Asmutis-Silvia asked if there was any way to see, based on the data, the percent of vocalizations in whales?

**Answer:** Wiley answered that this is currently being investigated.

**Question 3:** Mason Weinrich asked if such research could be done on other fish species?

**Answer:** Wiley answered that it is possible. There is a great deal of data to be mined.

**Question 4:** Steve Milliken asked if, considering ship strike, the mass of the vessel bearing down on a whale could mask the noise of the engines?

**Answer:** Wiley answered that this is a possibility, but the current research project is not set up to determine that.

**Comment:** Mason Weinrich commented that the IWC has commented on synergistic affects, and is looking at acoustics. In a stressed environment, there is a cumulative effect from all stressors. This research is getting at one effect from a number of synergistic affects.

Weinrich moved to recommend that the SBNMS, in consultation for LNG projects, should take into consideration the effects of marine mammals, fish and habitat quality from projects including vessel traffic, habitat alteration, entrainment and other factors. (***MOTION***) This motion was seconded by Steve Milliken.

- ***MOTION to recommend that the sanctuary staff, in consultation for LNG projects, will take into consideration the effects of marine mammals, fish, other marine life, habitat quality and exotic species and projects including but not limited to noise, vessel traffic, habitat alteration, entrainment and other factors.***

The motion was accepted by the SAC with the following voting results (See Appendix A for voting record):

- Yea: 9
- Nay: 0
- Abstain: 2

## **VII. New Business (John Williamson)**

### **Locked In Time**

SBNMS announced a LIVE-DIVE will be broadcast from the shipwrecks, the *Frank A. Palmer* and *Louise B. Crary*, on Saturday, July 15, 2006 at 11:00 and 2:00 EDT. The broadcast can be viewed by logging onto the following website:

<http://www.nurc.uconn.edu>

### Action Items

Nathalie Ward will send an email to all SAC members highlighting the 12 June SAC meeting including Action Items such as SAC motions, nominations for the October elections, and notification of upcoming events such as the dedication of the R/V *Auk*, scheduled for August 22, 2006.

### **VIII. Public Comment**

No public comment given.

### **IX. 19<sup>th</sup> SAC Meeting Adjourned**

The 19<sup>th</sup> SAC Meeting was adjourned at 5:00 PM

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## *SUMMARY of MOTIONS*

### 12 June 2006

- *MOTION to request that sanctuary staff, in consultation with the MA Division of Marine Fisheries, review the DEIS form the Northeast Gateway and Neptune projects to determine the extent to which the (aforementioned) projects have evaluated the effects of entrainment on sanctuary resources.*
- *MOTION that terms for SAC Members with 2-year terms (6-04 to 6-06) will be extended for another year (until June 2007).*
- *MOTION that the election for the full SAC Executive Committee will be held in October 2006.*
- *MOTION to recommend that, if allowable by NOAA review of operational procedures and if John Williamson is willing to serve in role of Chair of Zoning Working Group (Z-WG), John Williamson will continue as Chair; if he does not serve, the Chair will be chosen by the Superintendent.*
- *MOTION to recommend that the sanctuary staff, in consultation for LNG projects, will take into consideration the effects of marine mammals, fish, other marine life, habitat quality and exotic species and projects including but not limited to noise, vessel traffic, habitat alteration, entrainment and other factors.*

## APPENDIX A

### SAC Voting Record, June 12, 2006

#### SBNMS SAC Action Plan Review Voting Sheet

**MOTION to request that sanctuary staff, in consultation with the MA Division of Marine Fisheries, review the DEIS form the Northeast Gateway and Neptune projects to determine the extent to which the (aforementioned) projects have evaluated the effects of entrainment on sanctuary resources.**

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Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	X		
Barrett	Edward	SAC Member	X		
Borrelli	Peter	SAC Member	X		
Brooks	Priscilla	SAC Member	Absent		
Brown	Dale	SAC Alternate	X		
Eldridge	William	SAC Member	Absent		
Farady	Susan	SAC Member	X		
Gibson	Barry	SAC Member	X		
Milliken	Steve	SAC Member	X		
Moll	Timothy	SAC Member	X		
Pederson	Judy	SAC Alternate	X		
Tucker	Steven	SAC Alternate	X		
Weinrich	Mason	SAC Member	X		
Wheeler	Richard	SAC Member	X		
Williamson	John	SAC Member	X		

Totals:

13

0

0

**SBNMS SAC Action Plan Review  
Voting Sheet**

**MOTION that terms for SAC Members with 2-year terms (6-04 to 6-06) will be extended for another year (until June 2007).**

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<b>Last</b>	<b>First</b>	<b>SAC Designation</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Adler	William	SAC Member	X		
Barrett	Edward	SAC Member	X		
Borrelli	Peter	SAC Member			X
Brooks	Priscilla	SAC Member	Absent		
Brown	Dale	SAC Alternate	X		
Eldridge	William	SAC Member	Absent		
Farady	Susan	SAC Member	X		
Gibson	Barry	SAC Member	X		
Milliken	Steve	SAC Member	X		
Moll	Timothy	SAC Member	X		
Pederson	Judy	SAC Alternate	X		
Tucker	Steven	SAC Alternate	X		
Weinrich	Mason	SAC Member	X		
Wheeler	Richard	SAC Member	X		
Williamson	John	SAC Member	X		

Totals:                      12                      0                      1

**SBNMS SAC Action Plan Review  
Voting Sheet**

**MOTION that the election for the full SAC Executive Committee will be held in October 2006.**

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<b>Last</b>	<b>First</b>	<b>SAC Designation</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Adler	William	SAC Member	X		
Barrett	Edward	SAC Member	X		
Borrelli	Peter	SAC Member	X		
Brooks	Priscilla	SAC Member	Absent		
Eldridge	William	SAC Member	Absent		
Farady	Susan	SAC Member	X		
Gibson	Barry	SAC Member	X		
Milliken	Steve	SAC Member	X		
Moll	Timothy	SAC Member	X		
Pederson	Judy	SAC Alternate	X		
Tucker	Steven	SAC Alternate	X		
Weinrich	Mason	SAC Member	X		
Wheeler	Richard	SAC Member	X		
Williamson	John	SAC Member			X
Yozell	Sally	SAC Member	X		

Totals:                      12                      0                      1

**SBNMS SAC Action Plan Review  
Voting Sheet**

**MOTION to recommend that, if allowable by NOAA review of operational procedures and if John Williamson is willing to serve in role of Chair of Zoning Working Group (Z-WG), John Williamson will continue as Chair; if he does not serve, the Chair will be chosen by the Superintendent.**

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<b>Last</b>	<b>First</b>	<b>SAC Designation</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Adler	William	SAC Member	X		
Barrett	Edward	SAC Member		X	
Borrelli	Peter	SAC Member	X		
Brooks	Priscilla	SAC Member	Absent		
Eldridge	William	SAC Member	Absent		
Farady	Susan	SAC Member			X
Gibson	Barry	SAC Member	X		
Milliken	Steve	SAC Member	X		
Moll	Timothy	SAC Member	X		
Pederson	Judy	SAC Alternate	X		
Tucker	Steven	SAC Alternate	X		
Weinrich	Mason	SAC Member	X		
Wheeler	Richard	SAC Member	X		
Williamson	John	SAC Member			X
Yozell	Sally	SAC Member	X		

Totals:                      10                      1                      2

**SBNMS SAC Action Plan Review  
Voting Sheet**

**MOTION to recommend that the sanctuary staff, in consultation for LNG projects, will take into consideration the effects of marine mammals, fish, other marine life, habitat quality and exotic species and projects including but not limited to noise, vessel traffic, habitat alteration, entrainment and other factors.**

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<b>Last</b>	<b>First</b>	<b>SAC Designation</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Adler	William	SAC Member	X		
Barrett	Edward	SAC Member	X		
Borrelli	Peter	SAC Member	X		
Brooks	Priscilla	SAC Member	Absent		
Eldridge	William	SAC Member	Absent		
Farady	Susan	SAC Member	Absent		
Gibson	Barry	SAC Member			X
Milliken	Steve	SAC Member	X		
Moll	Timothy	SAC Member	X		
Pederson	Judy	SAC Alternate	Absent		
Tucker	Steven	SAC Alternate	X		
Weinrich	Mason	SAC Member	X		
Wheeler	Richard	SAC Member	X		
Williamson	John	SAC Member			X
Yozell	Sally	SAC Member	X		

Totals:                      9                      0                      2